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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/784,270	02/24/2004	Yong Cheol Park	0465-1155P	9998
2292 7590 05/05/2008 BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747				
EXAMINER				
BIBBINS, LATANYA				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

Office Action Summary

Application No.

10/784,270

Applicant(s)

PARK ET AL.

Examiner

LaTanya Bibbins

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 February 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 8-10 and 14-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 8-10, 15 and 17 is/are rejected.
- 7) ☒ Claim(s) 16, 18 and 19 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 3/17/08
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. In the remarks filed on February 12, 2008, Applicant amended claims 1-3 and 8-10, cancelled claims 4-7 and 11-13, added claims 14-19, and submitted arguments for allowability of pending claims 1-3, 8-10, and 14-19.

Response to Arguments

2. Applicant's arguments with respect to claims 1 and 14 have been considered but are moot in view of the new grounds of rejection.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. **Claims 2, 3, 9, and 10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.**

Claim 2 recites the limitation "latest disc definition structure information **recorded in one of the plurality of temporary defect management areas.**" There is insufficient antecedent basis for this limitation in the claim.

Claim 3 recites the limitation "latest disc definition structure information **recorded in each of the plurality of temporary defect management areas.**" There is insufficient antecedent basis for this limitation in the claim.

Claims 9 and 10 recite the limitations "the recording of the disc definition structure information of the recording session **in the second temporary defect management area,**" "a highest counter value **recorded in the second temporary defect management area,**" and "a highest counter value **recorded in the first temporary defect management area.**" There is insufficient antecedent basis for this limitation in the claim.

Additionally, amended claims 9 and 10 appear to be grammatically incorrect which render the claims unclear. More specifically, claims 9 and 10 each recite "the method as claimed in claim 8, **the step of recording disc definition structure information including recording disc definition structure information of a recording session in the second temporary defect management area, the method further comprising a step of...**"

Given the insufficient antecedent basis and grammatical issues of claims 9 and 10 no statement will be made in this Office Action regarding the allowability over the prior art. Examiner will refrain from making a prior art rejection until the intended patentable coverage of the invention is made clear by Applicant.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1 and 14 are rejected under 35 U.S.C. 102(e) as being anticipated by Ijtsma et al. (US Patent Number 6,606,285 B1).

Regarding claim 1, Ijtsma discloses a method of defect management for an optical recording medium having a plurality of temporary defect management areas, the method comprising a step of recording temporary defect management information in the plurality of temporary defect management areas (column 3 line 66 to column 4 line 6), comprising recording, in a first temporary defect management area, first temporary defect management information generated when recording to the recording medium (see the discussion regarding the MDT in column 5 lines 29-50), and recording, in a second temporary defect management area, second temporary defect management information generated in response to an eject signal (see the discussion regarding the SDT and TDT in column 5 line 51 – column 6 line 7), wherein the first and second temporary defect management areas are separately located in the recording medium (see the location of the MDT, SDT and/or TDT in Figures 2 and 4, also in Figures 14 and 15).

Regarding claim 14, Ijtsma discloses an optical recording medium having a plurality of temporary defect management areas for recording temporary defect management information, the plurality of temporary defect management areas comprising: a first temporary defect management area containing first temporary defect

management information generated when recording the recording medium (see the discussion regarding the MDT in column 5 lines 29-50); and a second temporary defect management area containing second temporary defect management information generated in response to an eject signal (see the discussion regarding the SDT and TDT in column 5 line 51 – column 6 line 7), wherein the first and second temporary defect management areas are separately located in the recording medium (see the location of the MDT, SDT and/or TDT in Figures 2 and 4, also in Figures 14 and 15).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. **Claims 2, 8, and 15-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ijtsma et al. (US Patent Number 6,606,285 B1) in view of Ko et al. (US PGPub 2001/0033537 A1).**

Regarding claim 2, Ijtsma discloses the method as claimed in claim 1, as noted in the 102(e) rejection above. Ijtsma, however, fails to disclose while Ko discloses the step of recording temporary defect management information includes recording disc definition structure information, the disc definition structure information including locator information pointing to an address of latest disc definition structure information recorded

in one of the plurality of temporary defect management areas (see Figure 2 and the discussion in paragraphs [0007] and [0036]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Ijtsma and Ko. One of ordinary skill in the art at the time the invention was made would have been motivated to combine the teachings in order to verify that a recording and reproducing apparatus properly generates or updates defect information (Ko paragraph [0089]).

Regarding claim 8, Ijtsma discloses the method as claimed in claim 1, as noted in the 102(e) rejection above. Ijtsma, however, fails to disclose while Ko discloses the step of recording temporary defect management information includes recording disc definition structure information including a counter having a value that is updated for each recording of the disc definition structure information (see paragraphs [0027]-[0032]).

Regarding claim 15, Ijtsma discloses the recording medium as claimed in claim 14, as noted in the 102(e) rejection above. Ijtsma, however, fails to disclose while Ko discloses the temporary defect management information includes disc definition structure information, the disc definition structure information including locator information pointing to an address of latest disc definition structure information recorded in one of the plurality of temporary defect management areas (see Figure 2 and the discussion in paragraphs [0007] and [0036]).

Regarding claim 17, Ijtsma discloses the recording medium as claimed in claim 14, as noted in the 102(e) rejection above. Ijtsma, however, fails to disclose while Ko

discloses the temporary defect management information includes disc definition structure information including a counter having a value that is updated for each recording of the disc definition structure information (see paragraphs [0027]-[0032]).

Allowable Subject Matter

9. Claim 3 would be allowable if rewritten to overcome the rejection under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

10. Claims 16, 18, and 19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

11. The following is a statement of reasons for the indication of allowable subject matter:

Regarding claim 3 would be allowable for the reasons indicated in the previous Office Action.

Regarding claim 16, none of the references of record, alone or in combination suggest or fairly teach an optical recording medium including all of the limitations of claim 14 wherein **the temporary defect management information includes disc definition structure information, the disc definition structure information including locator information pointing to an address of latest disc definition structure information recorded in each of the plurality of temporary defect management areas.**

Regarding claim 18, none of the references of record, alone or in combination suggest or fairly teach an optical recording medium including all of the limitations of claim 14 wherein **if a highest counter value recorded in the second temporary defect management area is less than a highest counter value recorded in the first temporary defect management area, the recording medium is configured to enable defect management to be performed immediately following a recording of the disc definition structure information in the second temporary defect management area, the disc definition structure information corresponding to a recording session.**

Regarding claim 19, none of the references of record, alone or in combination suggest or fairly teach an optical recording medium including all of the limitations of claim 14 wherein **if a highest counter value recorded in the second temporary defect management area is less than a highest counter value recorded in the first temporary defect management area, the recording medium is configured to enable defect management to be performed immediately preceding a recording of the disc definition structure information of a recording session in the second temporary defect management area.**

Conclusion

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to LaTanya Bibbins whose telephone number is (571)270-1125. The examiner can normally be reached on Monday through Friday 7:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wayne Young can be reached on 571 272-7582. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

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you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Thang V. Tran/
Primary Examiner, Art Unit 2627

/LaTanya Bibbins/
Examiner, Art Unit 2627